



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

02-278

The Honorable Barbara Cubin
U.S. House of Representatives
1114 Longworth House Office Building
Washington, D.C. 20515

DOCKET FILED MAR 11 2005 RECEIVED

MAR 11 2005

Federal Communications Commission
Office of the Secretary

Dear Congresswoman Cubin:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Michael K. Powell

Enclosures

No. of Copies rec'd 2
List ABCDE

7 FEB 2005 RCJ/ID

Congress of the United States
Washington, DC 20515

January 24, 2005

CCB TCRA
Policy PV
MKP
261

Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554

Dear Chairman Powell:

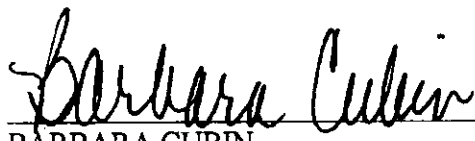
We are writing to express our concern about how revised regulations under the Telephone Consumer Protection Act (TCPA) has put an entire industry in the untenable position of having to violate one federal law to comply with another.

As you know, the credit and collection industry is governed by the Fair Debt Collection Practices Act (FDCPA), which among other restrictions, prohibits disclosing the existence of a debt to a party other than the debtor. This runs counter to the Commission's decision that the TCPA requires a debt collector using an "autodialer" transmit the state-registered name of the firm at the beginning of a prerecorded message. Choosing which federal law to run afoul of to comply with another is not a good business model and can lead to substantial financial penalties.

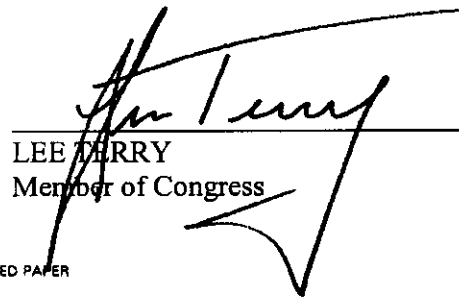
Further, the Commission's conclusion that the TCPA prohibits a collector from using autodialers to call a wireless telephone number unduly burdens a collector's ability to contact debtors in this new age of untethered telecommunications, as well as departing from previous Commission precedent. Autodialers, as used by the credit and collection industry, are not a telemarketing tool, but instead efficiently utilize a collection agent's time in closing outstanding accounts. Telephone calls by collection agency are not randomly placed to consumers, like autodialed calls by telemarketers. Instead, autodialers are used by collectors in concert with other technology to contact customers who have an existing business relationship with creditors.

Both of these matters were properly addressed by the Commission in previous rules through a narrow exemption tailored to provide relief to collectors without allowing telemarketing abuses, but were overlooked in the revisions published in July of 2003. Therefore, we request the Commission act promptly to clarify, either through the pending reconsideration order, or any appropriate vehicle, that use of autodialers in debt collection are properly treated by the Commission's TCPA regulations.

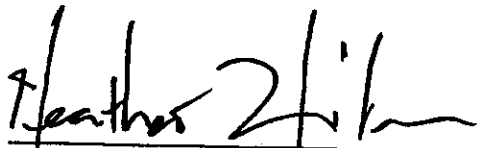
Sincerely,



BARBARA CUBIN
Member of Congress



LEE TERRY
Member of Congress



HEATHER WILSON
Member of Congress



JIM RAMSTAD
Member of Congress



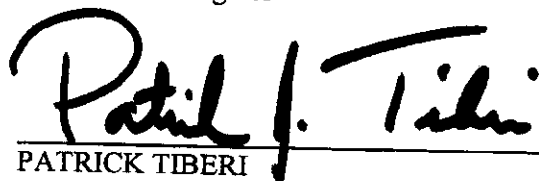
SCOTT GARRETT
Member of Congress



JOE WILSON
Member of Congress



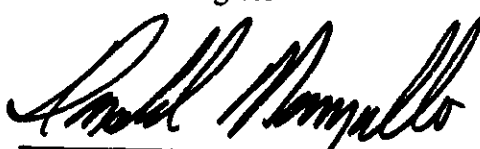
MIKE ROGERS (MI)
Member of Congress



PATRICK TIBERI
Member of Congress



MARK KENNEDY
Member of Congress



DONALD MANZULLO
Member of Congress



CHAIRMAN

Federal Communications Commission

Washington, D.C.
March 4, 2005

The Honorable Scott Garrett
U.S. House of Representatives
1318 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Garrett:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Mark Kennedy
U.S. House of Representatives
1415 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kennedy:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", is written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Don Manzullo
U.S. House of Representatives
2228 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Manzullo:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Jim Ramstad
U.S. House of Representatives
103 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Ramstad:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell".

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Mike Rogers
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", with a stylized flourish at the end.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Lee Terry
U.S. House of Representatives
1524 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.

March 4, 2005

The Honorable Patrick Tiberi
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Tiberi:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.
March 4, 2005

The Honorable Heather A. Wilson
U.S. House of Representatives
318 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Wilson:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", is written over a horizontal line.

Michael K. Powell

Enclosures



CHAIRMAN

Federal Communications Commission

Washington, D.C.
March 4, 2005

The Honorable Joe Wilson
U.S. House of Representatives
212 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Wilson:

Thank you for your January 24, 2005 letter regarding the Commission's rules implementing the Telephone Consumer Protection Act of 1991 ("TCPA"). In your correspondence, you urge the Commission to act promptly to clarify outstanding issues related to calls made for the purpose of debt collection, particularly where Commission rules might conflict with provisions in the Fair Debt Collection Practices Act ("FDCPA").

The Commission received more than 60 petitions for reconsideration and/or clarification of its 2003 *Report and Order*, including a petition filed by ACA International, an association representing the credit and collection industry. ACA sought clarification that the Commission's rules do not apply to debt collection calls, given the apparent conflict with the FDCPA.

On February 10, 2005, the Commission adopted an *Order on Reconsideration* in which it concluded that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages, if doing so would conflict with federal or state laws. I hope that this action resolves some of the concerns raised by the credit and collection industry. I am enclosing a copy of the *Reconsideration Order* and the Commission's News Release for your information.

I appreciate your support for the federal do-not-call list, and I understand the importance of these issues for your constituents. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written over a horizontal line.

Michael K. Powell

Enclosures